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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,697	03/29/2004	Hirowo Inoue	00862.002133.2	1181
5514	7590	07/09/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			MOUTTET, BLAISE L	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/810,697	Applicant(s) INOUE ET AL.	
	Examiner Blaise L. Mouttet	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35, 37, 38, 40, 41 and 43 is/are rejected.
- 7) ☒ Claim(s) 36, 39 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/021,459.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendments of March 29, 2004 have been entered.

Specification

2. The abstract of the disclosure is objected to because it is not appropriately descriptive of the claimed invention of the current divisional application.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 35-43 are objected to because of the following informalities:

In light of the specification "low quality image data" as recited in claim 35, line 5, claim 38, line 5 and claim 41, line 6 should more properly read --low quality printing control processing--. See figure 9, S20-7 and the related description in which it is described that low quality printing processing rather than low quality image data is requested in accordance with the comparison result.

In light of the specification "the" should be deleted from "the low quality image data" in claim 36, line 4, claim 39, line 4 and claim 42, line 4. Low quality image data is taught to be requested in accordance with a size of an image to be printed in relation to figure 9, S20-5. However this step precedes the comparing and requesting steps and the low quality image data in this step is not taught to be the same as the low quality printing control processing as requested in S20-7.

In claims 37, 40 and 43 "the low quality image data" should more properly read – the low quality printing control processing-- in light of the specification.

In claim 38, line 4 "the printer" should read --the printing apparatus-- in accordance with antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 35, 37, 38, 40, 41 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyoda et al. US 5,812,278.

Toyoda et al. discloses, regarding claim 35, a printing method for printing an image using a printer (21) communicating with an image data output device (15) (column 10, lines 39-52) comprising the steps of:

comparing a resolution of an image to be printed with a capability of the printer based upon image additional information (figure 5, S106);

requesting low quality printing control processing (the thinning processing of the image requested from the image data adjusting unit 31) corresponding to the image to

Art Unit: 2853

be printed of the image data output device in accordance with a result of the comparison (figure 5, S108).

Regarding claim 37, an image corresponding to the low quality printing control processing is printed (figure 5, S109).

Regarding claims 38 and 40, the comparison unit and request unit are embodied by the CPU (30) (column 11, lines 29-36) and the printing unit is embodied by printer (32) (column 11, lines 47-61).

Regarding claims 41 and 43, the computer readable medium for storing the method is embodied by ROM (22) and RAM (23) (column 10, lines 63-65).

Additional Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Daino US 5,121,468 discloses contraction of an image to be printed if the size of the image is larger than a printing sheet being printed on.

LeClair US 5,717,838 discloses the requesting and printing of low quality image data corresponding to an image to be printed (thumbnail images) in order to perform calibration of a print image.

Allowable Subject Matter

6. Claims 36, 39 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

Art Unit: 2853

limitations of the base claim and any intervening claims and provided the above noted objections are corrected.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claims 36, 39, and 42 is the inclusion therein, in combination as currently claimed, of the limitation of a step of, request unit for or program code for requesting image additional information, regarding low quality image data corresponding to the image to be printed, of the image output device in accordance with the size of the image to be printed. This limitation is found in claims 36, 39 and 42 and is neither disclosed nor taught by the prior art of record, alone or in combination. As seen by the prior art of record image compression or expansion techniques, rather than a request for image additional information regarding low quality image data corresponding to the image to be printed, has been employed to solve the problem of a lack of congruity between image size and print medium size (see abstract of Daino '468 and figure 9 of Toyoda et al. '278). While requesting of image additional information regarding low quality image data corresponding to an image to be printed (such as thumbnail images) is known in the prior art (see figure 5 of LeClair US 5,717,838) the requesting is not based upon a determined size of the image to be printed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2853

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet July 7, 2004

Bm 7/7/2004


LAMSON NGUYEN
PRIMARY EXAMINER
07/07/04